

88-53

BILL NO. _____

AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 88-53 (As Amended)Introduced by Council Member HatemLegislative Day No. 88-22 Date July 12, 1988

AN ACT to repeal and reenact, without amendments, Subsection A of Section 38-25, Board of Ethics, to repeal and reenact, with amendments, ~~Subsections A and~~ Subsection B of Section 38-25, Board of Ethics, and to add new Section 38-25.1, County Executive--Private Occupation for Compensation, to Article III, Code of Ethics, of Chapter 38, Personnel, of the Harford County Code, as amended; to prohibit the County Executive from participating in a private occupation for compensation without the approval of the Board of Ethics; to require the County Executive to submit certain information to the Board when seeking its approval of a private occupation; to allow the Board to deny approval only under certain conditions; to give the County Executive the right to a hearing before the Board when seeking its approval for a private occupation; to allow the County Executive to appeal the Board's decision concerning the Executive's private occupation; to provide that this Act does not apply to any person elected to the office of County Executive before the effective date of this Act; and to make this Act contingent upon a certain event.

By the Council, July 12, 1988

Introduced, read first time, ordered posted and public hearing scheduled

on: August 9, 1988at: 7:15 p.m.By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held

on August 9, 1988and concluded on August 9, 1988Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 WHEREAS, Section 302 of the Harford County Charter
2 requires the County Executive to " . . . devote full time to
3 the duties of office"; and

4 WHEREAS, The Charter's legislative history indicates that
5 the County Executive may participate in a private occupation
6 for compensation, notwithstanding the "full time" requirement;
7 and

8 WHEREAS, The Charter's legislative history also indicates
9 that the County Executive's participation in private
10 occupations for compensation should be governed by the Code of
11 Ethics;

12 NOW, THEREFORE,
13 Section 1. Be It Enacted By The County Council of Harford
14 County, Maryland, that new Section 38-25.1, County Executive--
15 Private Occupation for Compensation, be, and it is hereby,
16 added to Article III, Code of Ethics, of Chapter 38, Personnel,
17 and that Subsections-A-and Subsection A of Section 38-25, Board
18 of Ethics, of Article III, Code of Ethics, of Chapter 38,
19 Personnel, be, and it is hereby, repealed and reenacted without
20 amendments, and that Subsection B of Section 38-25, Board of
21 Ethics, of Article III, Code of Ethics, of Chapter 38,
22 Personnel, all of the Harford County Code, as amended, be, and
23 it is hereby, repealed and reenacted with amendments, all to
24 read as follows:

25 Chapter 38. Personnel.

26 Article III. Code of Ethics.

27 Section 38-25. Board of Ethics.

28 A. There is hereby established a Board of Ethics for
29 Harford County. It shall be composed of three (3) members
30 appointed by the County Executive and confirmed by the County
31 Council for a term coterminous with that of the County
32 Executive. Not more than two (2) members of the Board shall be

1 members of the same political party.

2 B. The Board shall be advised by the County Attorney, and
3 it shall have the following duties and responsibilities:

4 (1) To devise, receive and maintain all forms
5 generated by this Article.

6 (2) To provide advisory opinions to persons subject
7 to the provisions of this article.

8 (3) To process and make determinations as to
9 complaints filed by any person alleging violations of this
10 Article.

11 (4) To conduct a public information program,
12 regarding the purposes and application of this Article.

13 (5) IN ACCORDANCE WITH § 38-25.1 OF THIS ARTICLE, TO
14 APPROVE ANY PRIVATE OCCUPATION FOR COMPENSATION BY THE COUNTY
15 EXECUTIVE.

16 SECTION 38-25.1. COUNTY EXECUTIVE--PRIVATE OCCUPATION FOR
17 COMPENSATION.

18 A. THE COUNTY EXECUTIVE MAY NOT PARTICIPATE IN A PRIVATE
19 OCCUPATION FOR COMPENSATION WITHOUT OBTAINING APPROVAL FROM THE
20 BOARD.

21 B. TO OBTAIN APPROVAL, THE COUNTY EXECUTIVE SHALL PROVIDE
22 THE BOARD WITH A WRITTEN STATEMENT DETAILING:

23 (1) THE NATURE AND EXTENT OF THE PRIVATE OCCUPATION;

24 (2) THE NUMBER OF HOURS PER WEEK THE COUNTY
25 EXECUTIVE EXPECTS TO DEVOTE TO THE PRIVATE OCCUPATION;

26 (3) THE REASONS THE COUNTY EXECUTIVE BELIEVES THAT
27 PARTICIPATION IN THE PRIVATE OCCUPATION WOULD BE PROPER UNDER
28 THE CRITERIA OF SUBSECTION C. OF THIS SECTION; AND

29 (4) ANY OTHER INFORMATION THE BOARD REQUESTS.

30 C. THE BOARD SHALL APPROVE THE COUNTY EXECUTIVE'S PRIVATE
31 OCCUPATION UNLESS IT FINDS THAT THE OCCUPATION:

32 (1) CONSTITUTES A CONFLICT OF INTEREST UNDER THE

1 PROVISIONS OF THIS ARTICLE; OR

2 (2) IS OF A NATURE OR EXTENT THAT WOULD IMPAIR THE
3 COUNTY EXECUTIVE'S ABILITY TO PERFORM THE DUTIES AND FUNCTIONS
4 OF THE OFFICE.

5 D. (1) THE COUNTY EXECUTIVE MAY REQUEST A HEARING BEFORE
6 THE BOARD BY MAKING THE REQUEST IN WRITING AND SUBMITTING IT
7 WITH THE STATEMENT REQUIRED BY SUBSECTION B OF THIS SECTION.

8 (2) IF THE COUNTY EXECUTIVE REQUESTS A HEARING, THE
9 BOARD SHALL GRANT THE REQUEST.

10 (3) AT THE HEARING, THE COUNTY EXECUTIVE MAY:

11 (a) BE REPRESENTED BY COUNSEL;

12 (b) PRESENT EVIDENCE; AND

13 (c) QUESTION WITNESSES.

14 E. THE COUNTY EXECUTIVE MAY APPEAL ANY BOARD DECISION
15 MADE UNDER THIS SECTION TO THE CIRCUIT COURT FOR HARFORD
16 COUNTY.

17 Section 2. And Be It Further Enacted, that this Act does not
18 apply to any person elected to the office of County Executive
19 before the effective date of this Act.

20 Section 3. And Be It Further Enacted, that this Act shall take
21 effect 60 calendar days from the date it becomes law,
22 contingent upon the failure of Bill Number 88-46 to take
23 effect, and if Bill Number 88-46 does become effective
24 following referendum, this Act is null and void without the
25 necessity of further action by the County Council.

26 EFFECTIVE: December 5, 1988

BY THE COUNCIL

BILL NO. 88-53 (as amended)

Read the third time.

Passed LSD 88-27 (September 6, 1988) (with amendments)

Failed of Passage _____

By Order

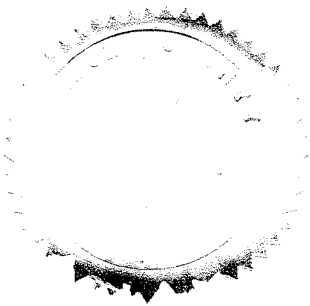
Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 7th day of September, 1988
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:



County Executive

Date _____

Vetoed in toto this twentieth-eighth day of September, 1988,
in accordance with Section 311 of the Charter of Harford
County, Maryland.

[Signature]
County Executive

BY THE COUNCIL

This Bill, having been passed by the yeas of at least five (5)
members of the Council notwithstanding the objections of the Executive,
becomes law on October 4, 1988.

Doris Poulsen, Secretary

EFFECTIVE DATE: December 5, 1988